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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,899	12/21/2000	Werner Taubmann	40551/DBP	6061

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EXAMINER

STRIMBU, GREGORY J

ART UNIT PAPER NUMBER

3634

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/647,899

Applicant(s)

TAUBMANN ET AL.

Examiner

Gregory J. Strimbu

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-24,26-33 and 43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-24,26-33 and 43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 13 January 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \*   c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### ***Election/Restrictions***

Applicant's election of Group I in Paper No. 14 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Accordingly, claims 3, 5 and 25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 14.

### ***Drawings***

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on January 13, 2003 have been approved.

### ***Claim Rejections - 35 USC § 112***

Claims 1, 2, 4, 6-24, 26-33 and 43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "the plug-in connector" on line 12 of claim 1 render the claims indefinite because it is unclear if the applicant is referring to only one of the connectors set forth above or is referring to both of the connectors set forth above. Recitations such as "the receptacle" on line 13 of claim 1 renders the claims indefinite because it is unclear to which one of the plurality of receptacles set forth above the

Art Unit: 3634

applicant is referring. Recitations such as “the gear forces” on lines 16-17 of claim 1 render the claims indefinite because they lack antecedent basis. Recitations such as “the at least two housing plates comprises” on line 2 of claim 4 render the claims indefinite because they are grammatically awkward and confusing. Recitations such as “like” on line 3 of claim 4 render the claims indefinite because it is unclear what the applicant is attempting to set forth. What comprises a “disc-like housing plates”. How much like a disc must the housing plates be before it can be characterized as “disc-like”?

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 6-15, 24 and 26, as best understood by the examiner, are rejected under 35 U.S.C. 102(b) as being anticipated by Weber. Weber discloses a drive for adjusting devices in motor vehicles comprising one of a fixed spindle and a fixed toothed rack 11 fixed on one of two relatively displaceable parts, a gear assembly 15, 30 mounted on the other of the two relatively displaceable parts, and a gear housing holding the gear assembly, with the gear housing having at least two housing plates 1 and 2 which can be fixed against each other by plug in connectors 3, 8, 10 each plug in connector comprising a plug at one of the at least two housing plates and a receptacle

for the plug at the other of the at least two housing plates, and the plug in connector is connected by plugging the plug into the receptacle, wherein the plug in connectors fix the at least two housing plates relative to each other in all three dimensional directions and thereby form supporting connecting joints which absorb the gear forces.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber as applied to claims 1, 2, 4, 6-15, 24 and 26 above, and further in view of Isomura. Isomura discloses a gear housing 83 mounted in a U-shaped gear socket 46 of a holder.

It would have been obvious to one of ordinary skill in the art to combine the teachings of Weber and Isomura, to reduce the cost of manufacturing of the invention of Isomura.

Claims 27-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber as applied to claims 1, 2, 4, 6-15, 24 and 26 above. Although Weber is silent concerning the particular method of manufacturing of drive, the construction of the drive of Weber would inherently lead to the method steps as set forth in claims 27-33.

### ***Response to Arguments***

Applicant's arguments filed January 13, 2003 have been considered but are not persuasive.

With respect to the applicant's argument concerning Weber, the examiner respectfully disagrees. WEBSTER'S II NEW RIVERSIDE UNIVERSITY DICTIONARY 483 (1994) defines the term "fix" as "to fasten or place securely". Therefore, the plug in connectors 8 and 10 of Weber fix the two housing plates relative to each other in all three dimensional directions since they securely fasten the connectors 8 and 10 of Weber in all three dimensional directions. Although the resilient nature of the connector 8 may allow for some movement of the housing plates relative to one another, the plug in connectors 8 and 10 still fix the two housing plates to one another because they securely fasten the two housing plates together.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

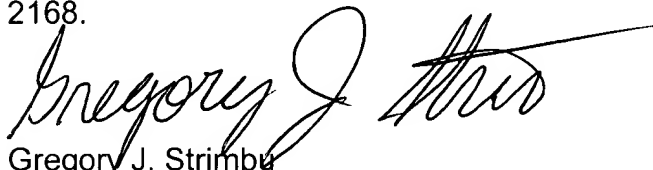
Art Unit: 3634

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a long horizontal flourish extending to the right.

Gregory J. Strimbu  
Primary Examiner  
Art Unit 3634  
March 23, 2003